

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8448 of 2017

T.S.Venkatesan .. Petitioner
-vs-

1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department
Secretariat, Fort St.George
Chennai-600 009.

2.The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan House, Anna salai
Chennai-600 002.

3.The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai-600 002. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to settle the terminal benefits to the petitioner such as Encashment of Leave Salary (EL), Encashment of Leave Salary (M/L), subscription amount of Medical and Engineering College, Pension Commutation (balance), Difference in Gratuity, Pension DA arrears, retirement benefits scheme, Encashment of unearned leave on private affairs and other eligible terminal benefits after taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.04.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in W.A.(MD). Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Ms.S.Vijaya for
M/S.Vijaya and Anandh

For R1 : Mr.V.Jayaprakash Narayanan, Spl.G.P.

For R2 and R3 : Mr.P.Kannan Kumar, standing counsel

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the respondents to settle the terminal benefits to the petitioner such as Encashment of Leave Salary (EL), Encashment of Leave Salary (M/L), subscription amount of Medical and Engineering College, Pension Commutation (balance), Difference in Gratuity, Pension DA arrears, retirement benefits scheme, Encashment of unearned leave on private affairs and other eligible terminal benefits after taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.04.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

2. Heard the learned counsel appearing for the petitioner. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, takes notice on behalf of the first respondent. Mr.P.Kannan Kumar, learned standing counsel takes notice on behalf of the respondents 2 and 3.

3. The petitioner was appointed to the post of Junior Assistant on 22.04.1985 in the erstwhile Dheeran Chinnamalai Transport Corporation Limited, Trichy. After rendering 29 years of service, he was allowed to retire from service on 30.04.2014 on attaining the age of superannuation. Now the grievance of the petitioner is that his retirement benefits namely, Encashment of Leave Salary (EL), Encashment of Leave Salary (M/L), subscription amount of Medical and Engineering College, Pension Commutation (balance), Difference in Gratuity, Pension DA arrears, retirement benefits scheme, Encashment of unearned leave on private affairs and other eligible terminal benefits, have not been till date settled by the respondents. Therefore, the petitioner has given a representation on 24.03.2017 to the respondents. As the same has not been considered, the petitioner has come forward with the present writ petition.

4. Since the issue is squarely covered by various orders passed by this Court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others), this writ petition is disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. by considering his representation. The instalments should commence from June, 2017 and each of the instalments should be paid on or

before 7th of each month. In case of any delay in the payment of the instalments, the interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment of the instalments. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Rep. by its Principal Secretary
Transport Department
Secretariat, Fort St.George
Chennai-600 009.

2.The Managing Director
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan House, Anna salai
Chennai-600 002.

3.The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai-600 002.

+1cc to Government Pleader SR.No.21676
+2cc to Mr.Kannan Kumar, Advocate SR.No.21676
+1cc to M/s.Vijaya & Anand, Advocate SR.No.21686

W.P.No.8448 of 2017

MG (CO)
GN(21/04/2017)

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